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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,565	09/15/1999	JIN LU	PHA-23.775	7621

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

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DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/396,565

Applicant(s)

LU, JIN

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 08-March-2004, the Abstract and the specification of the disclosure have been amended to overcome the objections made by the examiner in the previous Office Action. In addition, independent claims 1, 12, and 23-25 are amended per applicant's request. Claims 1-25 are presently pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended claims 1, 12, and 23-25 recite "at least one application that is independent of the host device". The "independence of the application" from the "host device" is not

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supported in the originally disclosed specification in a clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

Claims 2-11 are rejected under 35 U.S.C. 112, first paragraph because they are dependent from the rejected independent claim 1.

Claims 13-22 are rejected under 35 U.S.C. 112, first paragraph because they are dependent from the rejected independent claim 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (U.S. Patent No. 5,949,492) in view of Martino (U.S. Patent No. 6,044,382.)

As to claim 1, Mankovitz teaches an apparatus for use in conjunction with a host device having a receptacle associated therewith (see Abstract), the apparatus comprising:

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a removable card adaptable for insertion into the receptacle of the host device (see column 15, lines 63-67, and see figure 69), the removable card including processor (see figure 69) for running at least one application (see column 44, lines 53-66), and wherein an agent program is downloadable from the removable card to the host device (see column 45, lines 3-28), such that the agent program runs on a processor of the host device and controls communication between the application running on the processor of the removable card and an application running on the processor of the host device (see column 46, line 59 through column 47, line 7.)

Mankovitz does not teach an application that is independent of the host device (although Mankovitz does not clearly teach that the application is dependent on the host device.)

Martino teaches a Data Transaction Assembly Server (see Abstract), in which he teaches an application that is independent of the host device (see column 2, lines 44-62, column 3, line 66 through column 4, line 21, and see column 17, lines 27-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz to include an application that is independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz by the teaching of Martino, because including an application that is independent of the host device, would permit the host processor to be dynamically reconfigured for the application(s) represented by the data streams in a manner which is totally independent of conventional operating systems, as taught by Martino (see column 4, lines 14-21, and see column 17, lines 27-32.)

As to claims 2 and 13, Mankovitz as modified teaches wherein the processor of the removable card runs a plurality of applications, and further wherein a plurality of agent programs are downloaded to the host device, one for each of the applications running on the processor of the removable card (see Mankovitz, column 3, lines 58-63.)

As to claims 3 and 14, Mankovitz as modified teaches wherein the processor of the removable card runs a plurality of applications (see Mankovitz, column 3, lines 58-63), and the agent program controls communication between two or more of the applications and at least one application running on the processor of the host device (see Mankovitz, column 46, line 59 through column 47, line 7.)

As to claims 4 and 15, Mankovitz as modified teaches wherein the agent program interacts with an application programming interface (API) of the host device (see Mankovitz, column 28, lines 13-48.)

As to claims 5 and 16, Mankovitz as modified teaches wherein the agent program controls communication between the application running on the processor of the removable card and each of a plurality of applications running on the processor of the host device (see Mankovitz, column 46, line 59 through column 47, line 7.)

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As to claims 6 and 17, Mankovitz as modified teaches wherein communications between the agent program and the application running on the removable card are at least partially encrypted (see Mankovitz, column 18, lines 37-65, and see column 24, lines 22-31, where “encrypted” is read on “encoded”).)

As to claims 7 and 18, Mankovitz as modified teaches wherein after insertion of the removable card into the receptacle of the host device, a command channel and a data channel are created between the removable card and the host device (see Mankovitz, column 50, lines 9-21.)

As to claims 8 and 19, Mankovitz as modified teaches wherein the processor of the host device runs an agent manager program which receives a message from the application running on the processor of the removable card, the message identifying a particular agent program to be downloaded (see Mankovitz, column 13, lines 49-59), and in response to the message downloads the agent program from a memory of the removable card via the data channel (see Mankovitz, column 15, lines 14-22.)

As to claims 9 and 20, Mankovitz as modified teaches wherein the agent program after being downloaded to the host device sends a message (see Mankovitz, column 9, lines 58-61) to the application running on the processor of the removable card via the command channel, the message indicating that the agent program is ready to control communication between the

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application running on the processor of the removable card and the application running on the processor of the host device (see Mankovitz, column 16, lines 42-44.)

As to claims 10 and 21, Mankovitz as modified teaches wherein the host device comprises a digital television receiver (see Mankovitz, column 11, lines 1-12, where “receiver” is read on “tuner”), and the application running on the processor of the removable card includes a processing operation for a transport stream (see Mankovitz, column 8, lines 25-53.)

As to claims 11 and 22, Mankovitz as modified teaches wherein the processing operation comprises a decryption operation (see Mankovitz, column 13, lines 56-59, where “decryption” is read on “decoded”).

As to claim 12, Mankovitz teaches a method for use in conjunction with a host device having a receptacle associated therewith (see Abstract), the method comprising the step of: adapting a removable card for insertion into the receptacle of the host device (see column 15, lines 63-67, and see figure 69), the removable card including a processor (see figure 69) for running at least one application (see column 44, lines 53-66), and wherein an agent program is downloadable from the removable card to the host device (see column 45, lines 3-28), such that the agent program runs on a processor of the host device and controls communication between the application running on the processor of the removable card and

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an application running on the processor of the host device (see column 46, line 59 through column 47, line 7.)

Mankovitz does not teach an application that is independent of the host device (although Mankovitz does not clearly teach that the application is dependent on the host device.)

Martino teaches a Data Transaction Assembly Server (see Abstract), in which he teaches an application that is independent of the host device (see column 2, lines 44-62, column 3, line 66 through column 4, line 21, and see column 17, lines 27-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz to include an application that is independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz by the teaching of Martino, because including an application that is independent of the host device, would permit the host processor to be dynamically reconfigured for the application(s) represented by the data streams in a manner which is totally independent of conventional operating systems, as taught by Martino (see column 4, lines 14-21, and see column 17, lines 27-32.)

As to claim 23, Mankovitz teaches an article of manufacture comprising a machine-readable storage medium containing one or more software programs (see column 8, lines 54-64) which when executed implement (for the remaining steps of this claim, the applicant is kindly directed to remarks and discussions made in claims 1 and 12 above.)

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As to claim 24, Mankovitz teaches an apparatus for use in conjunction with a removable card (see Abstract), the apparatus comprising (for the remaining steps of this claim, the applicant is kindly directed to remarks and discussions made in claim 1 above.)

As to claim 25, Mankovitz teaches a method for use in conjunction with a removable card (see Abstract), the method comprising (for the remaining steps of this claim, the applicant is kindly directed to remarks and discussions made in claim 12 above.)

Response to Arguments

6. Applicant's arguments filed on 08-March-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive in view of the rejection made under 35 U.S.C. 112, first paragraph (above). The arguments are further considered moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 10, 2004


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100